

tract or any conservation district, or reclamation district, or conservation and reclamation district, or any drainage district, or any levee district, as now or hereafter incorporated under the General Laws applicable to said district.

Sec. 2. Whenever there is included within the limits of any incorporated city any lands forming part of any one or more of the districts as above defined; or where any lands forming part of any one or more of the districts as above defined are subsequently incorporated within or annexed to the city limits of any incorporated city, or where any land or lands forming part of an incorporated city are subsequently included in or taken into any one or more of said districts, the owner or owners of all or any part of said land or lands shall have the right to have same excluded from, and taken out of any one or more of said districts of which said land or lands form a part, by filing an application with the governing body of said district or districts requesting said lands to be so excluded for the reason that the same is a part of, an incorporated city or town, and said petition shall be granted upon proof of that fact, as a matter of right by entering upon the minutes of said district or districts an order excluding said land or lands from said district or districts; and thereafter said land or lands shall cease to be a part of said district or districts and thereafter said land or lands shall not be subject to any other taxes, charges, or assessments by said district or districts except for its proportionate part of the bonded indebtedness existing against said district or districts at the time said land or lands were so excluded from said district or districts.

Sec. 3. The fact that there is now no law whereby lands lying in irrigation, water improvement, conservation, reclamation districts, levee or drainage districts which also form a part of an incorporated city can be taken out and excluded from any one or more of said districts and be relieved from double taxation creates an emergency and a public necessity demanding the suspension of the constitutional rule requiring bills to be read on three several days

in each house of the Legislature and said rule is hereby suspended, and this Act take effect from and after its passage and it is so enacted.

### EIGHTH DAY.

Senate Chamber,  
Austin, Texas,

Wednesday, March 5, 1930.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Moore.
Berkeley.	Neal.
Cousins.	Parr.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.

Absent.

Parrish.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

### Petitions and Memorials.

(See Appendix.)

### Committee Reports.

(See Appendix.)

### Bills and Resolutions.

By Senator Martin:

S. B. No. 46, A bill to be entitled "An Act to empower executors and administrators to renew debts of estates of decedents secured by liens on real estate and providing a method for making such renewals."

Read first time and referred to Committee on Civil Jurisprudence.

By Senators Neal, Beck:

S. B. No. 47, A bill to be entitled

"An Act to amend Chapter 251, General and Special Laws, Forty-first Legislature, Regular Session, pertaining to rural supervisors for schools in certain counties and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senator Love:

S. B. No. 48, A bill to be entitled "An Act to amend Articles 4343, 4368 and 4388 of the Revised Civil Statutes of Texas of 1925, and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senators Miller, Williamson:

S. B. No. 49, A bill to be entitled "An Act providing for the temporary registration or visiting privileges in this State of vehicles owned by the citizens of another State or country and duly registered under the laws of said State or country for the current year; prescribing restrictions under which such vehicles may be operated; prescribing penalties for any violation hereof; repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

Read first time and referred to Committee on State Highways and Motor Traffic.

By Senator Moore:

S. B. No. 50, A bill to be entitled "An Act providing that all district courts and all criminal district courts in this State shall be required to keep their courts open for business the full maximum time authorized for the respective terms of such courts, and providing that the judges of such courts shall not be authorized to close the minutes of their respective courts prior to the expiration of the maximum terms thereof; requiring the judges to file with the Comptroller a statement showing compliance with this Act before receiving salary and fixing a penalty for failure to comply with this Act, and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Moore:

S. B. No. 51, A bill to be entitled "An Act amending Articles 11, 12, and 766, Code of Criminal Procedure of Texas, 1925, and declaring an emergency."

Read first time and referred to Committee on Criminal Jurisprudence.

By Senators Pollard, Greer:

S. B. No. 52, A bill to be entitled "An Act creating the 120th Judicial District of Texas, designating the counties constituting said district, fixing the time for holding court therein, and declaring an emergency."

Read first time and referred to Committee on Judicial Districts.

By Senator Parr:

S. B. No. 53, A bill to be entitled "An Act amending Article 916 of the Penal Code of the State of Texas of 1925 relating to wild turkeys so as to further extend the period of time during which it is unlawful to take, kill, wound, shoot at, hunt for, or possess, dead or alive, wild turkeys in certain counties, and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Parr:

S. B. No. 54, A bill to be entitled "An Act authorizing counties of a certain class according to population and cities situated therein owning a joint interest with such counties in a hospital, to lease such hospital to be operated as such; prescribing regulations related to said subject; and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Martin:

S. B. No. 55, A bill to be entitled "An Act to amend Section 84-a of Chapter 25, of the General Laws passed by the Thirty-ninth Legislature at its regular session in 1925, as amended by Chapter 82, Acts of the First Called Session of the Forty-first Legislature, so as to authorize such districts to declare an emergency in certain cases and under certain limitations and to issue interim bonds in evidence of such emergency loans, and to pledge taxes and bonds of the district to secure payment of such emergency loans evidenced by such interim bonds; and further to provide that this Act, when adopted, shall apply to Water Control and Improvement Districts, Water Improvement Districts, Levee Improvement Districts, Drainage Districts, and all other districts created under the provision of the Section

59 of Article 16 of the Constitution of the State of Texas, and declaring an emergency."

Read first time and referred to Committee on State Affairs.

**Simple Resolution No. 11.**

Senator Hornsby sent up the following resolution:

Whereas, Hon. John J. McGraw and his splendid team of New York Giants will be in the Capital City tomorrow, March 6, for a game of the national sport with the great Texas Longhorns, therefore, be it

Resolved, That they be invited to visit the Senate and are hereby accorded the privileges of the floor.

HORNSBY.

Read and adopted.

**Bills Signed.**

The Chair, Lieutenant Governor Barry Miller, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

H. C. R. No. 4.  
H. C. R. No. 7.  
S. B. No. 5.  
S. B. No. 18.

**Message From the House.**

The Chair recognized the Doorkeeper, who introduced a messenger from the House with the following message:

Hall of the House of Representatives,  
Austin, Texas, March 5, 1930.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

H. B. No. 23, A bill to be entitled "An Act to amend Chapter 81 of the General Laws of the State of Texas, passed by the Fourth Called Session of the Thirty-fifth Legislature, approved April 3, 1918, creating the Commission of Appeals of the State, as amended by Chapter 34 of the General Laws of the State of Texas, passed by the Second Called Session of the Thirty-sixth Legislature, approved July 25, 1919, as amended by Chapter 119 of the General Laws of the State of Texas, passed by the Regular Session of the Thirty-seventh Legislature, approved March 31, 1921, as amended by Chapter 154 of the General Laws of the State

of Texas, passed at the Regular Session of the Thirty-eighth Legislature, approved March 30, 1923, as amended by Chapter 53 of the General Laws of the State of Texas, passed by the Regular Session of the Thirty-ninth Legislature, approved March 9, 1925, providing for the creation of a Commission to aid the Supreme Court of Texas, and declaring an emergency."

Respectfully submitted,  
LOUISE SNOW PHINNEY,  
Chief Clerk House of Representatives.

**House Bill Referred.**

H. B. No. 23 referred to Committee on Civil Jurisprudence.

**Messages From the House.**

Hall of the House of Representatives,  
Austin, Texas, March 5, 1930.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills and resolution:

H. C. R. No. 8, Providing for medals for patriotic services for National Guard members.

**By Senator Parrish:**

S. B. No. 5, A bill to be entitled "An Act amending Section 8, of Article 6203 of the Revised Civil Statutes of Texas for 1925, as amended so as to provide for and regulate applications for parole; amending Section 3 of Article 6203 of the Revised Civil Statutes of Texas, as amended; and declaring an emergency."

Respectfully submitted,  
LOUISE SNOW PHINNEY,  
Chief Clerk House of Representatives.

Hall of the House of Representatives,  
Austin, Texas, March 5, 1930.

Hon. Barry Miller, President of the Senate

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

H. B. No. 20, A bill to be entitled "An Act relating to the duties of the county board of trustees and the county superintendent of counties with an area of 977 square miles and a population of not less than 15,500 nor more than 15,600, according to the 1920 Federal census; authorizing the county board of trustees to rearrange and resubdivide all the territory of their re-

spective counties into convenient school districts; making provision for transportation of children; authorizing the appointment of the county superintendent by the county board of trustees, and determining the salary to be paid; authorizing the county board of trustees to make an assessment from all independent districts for the salary and expenses in the administration of the office of the county superintendent, and declaring an emergency."

Respectfully submitted,  
LOUISE SNOW PHINNEY,  
Chief Clerk House of Representatives.

#### House Bill Referred.

H. B. No. 20, referred to Committee on Educational Affairs.

#### Messages From The House.

Hall of the House of Representatives.  
Austin, Texas, March 5, 1930.  
Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution:

S. C. R. No. 5, recalling H. C. R. No. 4 from the Governor's office.

Respectfully submitted,  
LOUISE SNOW PHINNEY,  
Chief Clerk House of Representatives.

Hall of the House of Representatives.  
Austin, Texas, March 5, 1930.  
Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

H. B. No. 6, A bill to be entitled "An Act providing for State supervision of cotton weighing at cotton compresses and other points of concentration and distribution; providing for State compress weigh supervisors; providing exceptions, penalties, fees to cover expense of administering the act, making appropriation of moneys to carry same into effect and enacting all provisions and regulations incidental to the subject and purpose of this act, and declaring an emergency."

Respectfully submitted,  
LOUISE PHINNEY SNOW,  
Chief Clerk House of Representatives.

#### House Bill Referred.

H. B. No. 6, referred to Committee on Agriculture.

#### Messages From The House.

Hall of the House of Representatives.  
Austin, Texas, March 5, 1930.  
Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

S. B. No. 18, A bill to be entitled "An Act authorizing certain cities and counties, or either of them, to acquire property within any incorporated city to be used for hospital purposes, and authorizing such cities and counties to donate same to the State of Texas for hospital purposes, and declaring an emergency."

With amendments.

Respectfully submitted,  
LOUISE SNOW PHINNEY,  
Hall of the House of Representatives.

#### Simple Resolution No. 12.

Senator Love sent up the following resolution:

Whereas, The Department of Superintendents of the National Educational Association, which is composed of the most able school executives of the Nation, in its recent meeting at Atlantic City, N. J., conferred a distinctive honor upon a citizen of Texas in the person of Doctor Norman R. Crozier, Superintendent of the City Schools of Dallas, by electing him president of the Department,

Therefore, Be It Resolved, That we express our sincere appreciation of the signal honor that this great educational body has conferred upon a citizen of our State. The honor was not only worthily bestowed as regards the individual recipient, but it also reflects credit upon the teaching profession of the State of Texas.

Hyer, Wirtz, Russek, DeBerry, Witt, Williamson, Greer, Berkeley, Moore, Hornsby, Pollard, Love, Neal, Holbrook, Westbrook, Martin, Stevenson, Hardin, Patton, Woodul, Cousins, Woodward, Small, Gainer, Cunningham.

Read and adopted.

#### S. C. R. No. 5.

Senator Moore sent up the following resolution:

Be It Resolved by the Senate, the House of Representatives concurring, that H. C. R. No. 4, be returned to the Senate, and the presiding officer

of the Senate and Speaker of the House be and are hereby authorized to erase their signatures from said resolution.

MOORE.

Read and adopted.

#### Motion to Concur.

On motion of Senator Holbrook, the Senate concurred in the House amendment to S. B. No. 18, by the following vote:

Yeas—31.

Beck.	Neal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.
Moore.	

#### Special Order Set.

On motion of Senator Thomason, H. B. No. 2, was set as special order tomorrow afternoon at 2 o'clock.

#### Invitation Extended.

Senator Hornsby sent up the following invitation:

Chamber of Commerce  
Austin, Texas

March 5, 1930.

Hon. Barry Miller, Lieutenant Governor of Texas, Austin, Texas.

Dear Governor Miller: The business men and citizens of Austin have arranged for a buffet dinner dance on the Roof Garden of the Stephen F. Austin Hotel for Thursday evening, March 6, starting at 9:00 and continuing until about 11:30 p. m.

We are extending to you and to all members of the Senate and to their lady friends a most cordial invitation to be present with us Thursday evening.

If agreeable with you, will you not kindly have this invitation read to the Senate when it convenes Wednesday morning so that the chairmen of the various committees may

so arrange their meetings that the members of these committees may be able to attend this entertainment.

Thanking you heartily for having this notice read to the members of the Senate and hoping that each one will be present with us Thursday evening, we are

Yours very truly,

AUSTIN CHAMBER OF  
COMMERCE.

CHAS. B. COOK, President.

LEE S. THRIFT, Vice President  
Convention and Publicity  
Bureau.

W. E. LONG, Manager.

JNO. W. HORNSBY, Senator  
20th District.

Read and accepted by a unanimous vote.

#### House Bill No. 1.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Metcalfe and Mr. Petsch:

H. B. No. 1, A bill to be entitled "An Act to amend Section 3 of Chapter 212, Acts of Regular Session, Fortieth Legislature, so as to create the Texas Prison Board, composed of three members; providing for the appointment of the members of the board; prescribing certain qualifications of such appointees; fixing the term of office; providing for the filling of vacancies which may occur; abolishing present board of nine members; repealing all laws in conflict with this Act, and declaring an emergency."

Read second time.

Senator Witt moved to indefinitely postpone the further consideration of the bill. The motion prevailed by the following vote:

Yeas—16.

Beck.	Love.
Berkeley.	Moore.
Gainer.	Neal.
Greer.	Stevenson.
Hardin.	Westbrook.
Holbrook.	Witt.
Hornsby.	Woodul.
Hyer.	Woodward.

Nays—14.

Cousins.	Martin.
Cunningham.	McFarlane.
DeBerry.	Miller.

Parr.	Small.
Patton.	Thomason.
Pollard.	Williamson.
Russek.	Wirtz.

Absent.

Parrish.

**House Bill No. 10.**

The Chair laid before the Senate on its second reading the following bill:

By Mr. Graves of Williamson, Mr. Keller, Mr. Shaver, Mr. Pope, Mr. Young, Mr. Beck and others:

H. B. No. 10, A bill to be entitled "An Act to provide for the reorganizing, reforming and rehabilitating the Texas prison system and to improve the same into a modern penal institution; to provide for the establishment of industries in connection with the prison system; etc., and declaring an emergency."

Read second time.

**Recess.**

On motion of Senator Hornsby, the Senate, at 12 o'clock noon, recessed until 2 o'clock p. m.

**After Recess.**

The Senate met at 2 o'clock p. m., pursuant to recess, and was called to order by Lieutenant Governor Barry Miller.

**House Bill No. 10.**

The question recurred on the adoption of the committee report on H. B. No. 10.

Senator Williamson moved the previous question on the adoption of the report. The motion prevailed.

Senator Beck raised the point of order that a quorum was lacking. The roll call showed 24 present.

Senator McFarlane moved to reconsider the vote by which the previous question was ordered. The motion prevailed.

Senator Holbrook moved the previous question on the adoption of the committee amendment and the engrossment of the bill.

Senator Martin called for a division of the question.

The previous question on the adoption of the committee amendment failed to be ordered by the following vote:

**Yeas—10.**

Beck.	Moore.
Gainer.	Neal.
Hardin.	Thomason.
Holbrook.	Witt.
Hornsby.	Woodul.

**Nays—18.**

Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Russek.
Greer.	Small.
Love.	Stevenson.
Martin.	Westbrook.
McFarlane.	Wirtz.
Miller.	Woodward.

**Absent.**

Hyer.	Williamson.
Pollard.	

The previous question on the engrossment of the bill failed to be ordered.

Senator Witt moved the previous question on the adoption of the committee amendment and the engrossment of the bill.

Senator Wirtz called for a division of the question.

The previous question on the adoption of the amendment failed to be ordered by the following vote:

**Yeas—14.**

Beck.	Parrish.
Gainer.	Small.
Hardin.	Thomason.
Holbrook.	Williamson.
Hyer.	Witt.
Moore.	Woodul.
Neal.	Woodward.

**Nays—14.**

Berkeley.	Martin.
Cousins.	McFarlane.
Cunningham.	Miller.
DeBerry.	Patton.
Greer.	Russek.
Hornsby.	Stevenson.
Love.	Wirtz.

**Present—Not Voting.**

Pollard.

**Absent.**

Parr.	Westbrook.
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Senator Hornsby sent up the following amendment:

Amend the committee substitute to H. B. No. 10 by striking out of Section 1 all except the first sentence, and in lieu thereof add the following:

"The Texas Prison Board is hereby authorized and directed to construct a unit of the Texas prison system on some of the lands now owned by the system, to be selected by a commission to be composed of the Governor, the Lieutenant Governor, the Speaker of the House and the chairmen of the Committees on State Affairs of the House and Senate of the Forty-first Legislature."

HORNSBY.

The amendment was read.

Senator Williamson raised the point of order that the amendment was out of order because the committee substitute had not been adopted.

The Chair sustained the point of order.

The committee substitute was adopted by the following vote:

Yeas—16.

Beck.	Neal.
Gainer.	Parrish.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Williamson.
Hyer.	Witt.
Love.	Woodul.
Moore.	Woodward.

Nays—14.

Berkeley.	Miller.
Cousins.	Parr.
Cunningham.	Patton.
DeBerry.	Pollard.
Greer.	Russek.
Martin.	Small.
McFarlane.	Wirtz.

Absent—Excused.

Westbrook.

Senator Hornsby re-offered his amendment.

Senator Witt sent up the following amendment to the amendment:

Amend the pending amendment by striking from same Section 1 and substitute Section 11.

WITT.

The amendment was read.

Senator Cousins moved to table the amendment. The motion was lost by the following vote:

Yeas—14.

Berkeley.	Miller.
Cousins.	Parr.
Cunningham.	Patton.
DeBerry.	Pollard.
Greer.	Russek.
Martin.	Small.
McFarlane.	Wirtz.

Nays—16.

Beck.	Neal.
Gainer.	Parrish.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Williamson.
Hyer.	Witt.
Love.	Woodul.
Moore.	Woodward.

Absent.

Westbrook.

Senator Wirtz sent up the following substitute for the amendment to the amendment:

Substitute for the amendment to the amendment by the following:

Amend the amendment by adding the following "and striking out Section 11."

WIRTZ.

The substitute was read.

Senator Witt raised the point of order that the effect of the substitute would be to table the original amendment to the amendment and inasmuch as a motion to table had been defeated already, the substitute was out of order.

The Chair sustained the point of order.

Senator Wirtz raised the point of order that the amendment to the amendment was out of order because it changed the entire subject matter of the original amendment.

The Chair sustained the point of order.

Senator Witt sent up the following substitute for the amendment:

As a substitute for the amendment pending I move that the amendment offered be made a substitute for Section 11 instead of for Section 1.

WITT.

The substitute was read.

Senator McFarlane raised the point of order that the substitute was not germane.

The Chair overruled the point of order.

Senator Love moved the previous question on the further consideration of the substitute, the amendment, and the engrossment of the bill.

Senator Wirtz called for a division of the question.

The previous question on the substitute was ordered by the following vote:

Yeas—16.

Beck.	Neal.
Gainer.	Parrish.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Witt.
Love.	Woodul.
Moore.	Woodward.

Nays—15.

Berkeley.	Parr.
Cousins.	Patton.
Cunningham.	Pollard.
DeBerry.	Russek.
Greer.	Small.
Martin.	Stevenson.
McFarlane.	Wirtz.
Miller.	

The substitute was adopted by the following vote:

Yeas—15.

Beck.	Neal.
Gainer.	Parrish.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Witt.
Love.	Woodul.
Moore.	

Nays—14.

Berkeley.	Parr.
Cousins.	Patton.
Cunningham.	Pollard.
DeBerry.	Russek.
Greer.	Small.
Martin.	Stevenson.
McFarlane.	Wirtz.

(Pair Recorded.)

Senator Miller (present) who

would vote nay, with Senator Woodward (absent) who would vote yea.

Senator Stevenson raised the point of order that this amendment applied to the original House bill instead of the committee substitute previously adopted.

The Chair overruled the point of order.

#### Message From the Governor.

The Chair recognized the Door-keeper who introduced a messenger from the Governor with the following message:

Executive Office,

Austin, Texas, March 5, 1930.

To the Forty-first Legislature:

Upon request the following subjects are submitted for your consideration:

(1) The amendment of Senate Bills No. 26 and No. 95 passed at the Fourth Called Session of the Forty-first Legislature to correct errors therein.

(2) The amendment of Article 910 of the Penal Code to accomplish the purposes thereof.

(3) The amendment of Article 916 of the Penal Code to provide an area in this State for the propagation of wild turkeys, and to prohibit the taking or killing of wild turkeys within such area except that the Game Commission, in cooperation with the property owners in this area, may trap wild turkeys for distribution to other sections of the State.

(4) The amendment of Chapter 91, Acts of the First Called Session of the Forty-first Legislature, to increase the authority of the State Auditor.

(5) The amendment of the statutes respecting the employment and selection of school supervisors.

(6) The amendment of Chapter 82 of the Acts of the First Called Session of the Forty-first Legislature to better improve the market for bonds issued under said Chapter, and to avoid the difficulties which have been experienced under the statute as now written.

(7) The enactment of laws respecting disposition of property belonging to the public schools, and to enlarge the powers of the Board of Education over such properties.

(8) The amendment of Chapter 40, Acts of the Second Called Session of the Forty-first Legislature.

I desire to remind you of the situation with reference to requests which have been made for supplemental funds to meet additional emergency needs of departments and institutions. The Presidents of the State supported colleges have said that the summer schools of 1930 cannot operate for more than one-half the usual term with the funds now available. The Forty-first Legislature did not make as much money available for the 1930 summer schools as the 1929 summer schools had. It has been stated that I vetoed some of the appropriations for summer school purposes, but the statement is incorrect. The items for summer school purposes carried in the educational appropriation bill now in force were allowed to stand as passed by the Legislature. It has also been stated that some of the appropriations of contingent funds to supplement salaries which I vetoed were to be used for summer school purposes, but this is also incorrect. I was told by the Presidents of State supported colleges that this money was to be used by them to supplement salaries of teachers during the long term, and not the summer school.

The summer schools of 1930 have every dollar available now which was provided for them by the Forty-first Legislature, and we are told that this will not be sufficient to operate these schools more than about half the usual term.

The eleemosynary institutions have made requests for additional funds.

The provision for the support and maintenance of the prison system was made upon the basis of a prison population of about four thousand. The population has averaged approximately five thousand since before the bill was passed. The Prison Board has stated that the funds available are not sufficient to feed, clothe and guard all of these prisoners, and meet other current needs of the system.

I called your attention to these requests in the past called session of the Legislature and submitted for your consideration the raising of revenues to meet them. In the proclamation convening this session of the Legislature, I again mentioned

these requests and submitted the subject of raising the funds necessary to meet them. I suggest that some of them are urgent, and that they are essential to some of the necessary functions of the government. I further want to remind you that the time left within which you may raise the funds to satisfy these needs is fast drawing to a close. There are only about fifteen days left to this session of the Legislature. None can defend the spending of money in excess of the revenues of the State. I want to impress upon you the importance that something be done to provide revenues if these needs are to receive attention.

Respectfully submitted,  
DAN MOODY,  
Governor.

#### Motion to Adjourn.

Senator Miller moved to adjourn until 10 o'clock tomorrow morning. The motion was lost by the following vote:

Yeas—8.

Cousins.	Miller.
Cunningham.	Russek.
DeBerry.	Westbrook.
Martin.	Wirtz.

Nays—22.

Beck.	Parr.
Berkeley.	Parrish.
Gainer.	Patton.
Greer.	Pollard.
Hardin.	Small.
Holbrook.	Stevenson.
Hornsby.	Thomason.
Hyer.	Williamson.
Love.	Witt.
McFarlane.	Woodul.
Moore.	Woodward.
Neal.	

#### House Bill No. 10.

The question recurred on H. B. No. 10.

The previous question on the amendment as substituted was ordered by the following vote:

Yeas—19.

Beck.	Hyer.
Berkeley.	Love.
Cunningham.	Moore.
Gainer.	Neal.
Hardin.	Parrish.
Holbrook.	Pollard.

Stevenson.  
Thomason.  
Westbrook.  
Williamson.

Witt.  
Woodul.  
**Woodward.**

Nays—10.

Cousins.  
DeBerry.  
Greer.  
Martin.  
McFarlane.

Miller.  
Parr.  
Patton.  
Russek.  
Wirtz.

(Pair Recorded.)

Senator Small (present) who would vote nay, with Senator Hornsby (absent) who would vote yea.

The amendment as substituted was adopted by the following vote:

Yeas—15.

Beck.  
Gainer.  
Hardin.  
Holbrook.  
Hyer.  
Love.  
Moore.  
Neal.

Parrish.  
Thomason.  
Westbrook.  
Williamson.  
Witt.  
Woodul.  
Woodward.

Nays—14.

Berkeley.  
Cousins.  
Cunningham.  
DeBerry.  
Greer.  
Martin.  
McFarlane.

Miller.  
Parr.  
Patton.  
Pollard.  
Russek.  
Stevenson.  
Wirtz.

(Pair Recorded.)

Senator Small (present) who would vote nay, with Senator Hornsby (absent) who would vote yea.

The previous question on the engrossment of the bill was ordered by the following vote:

Yeas—21.

Beck.  
Berkeley.  
Cunningham.  
Gainer.  
Hardin.  
Holbrook.  
Hornsby.  
Hyer.  
Love.  
Moore.  
Neal.

Parrish.  
Pollard.  
Small.  
Stevenson.  
Thomason.  
Westbrook.  
Williamson.  
Witt.  
Woodul.  
Woodward.

Nays—10.

Cousins.  
DeBerry.  
Greer.  
Martin.  
McFarlane.

Miller.  
Parr.  
Patton.  
Russek.  
Wirtz.

The bill as substituted and amended passed to engrossment by the following vote:

Yeas—16.

Beck.  
Gainer.  
Hardin.  
Holbrook.  
Hyer.  
Love.  
Moore.  
Neal.

Parrish.  
Stevenson.  
Thomason.  
Westbrook.  
Williamson.  
Witt.  
Woodul.  
Woodward.

Nays—13.

Berkeley.  
Cousins.  
Cunningham.  
DeBerry.  
Greer.  
Martin.  
McFarlane.

Miller.  
Parr.  
Patton.  
Pollard.  
Russek.  
Wirtz.

(Pair Recorded.)

Senator Small (present) who would vote nay, with Senator Hornsby (absent) who would vote yea.

Motion to Adjourn.

Senator Wirtz moved to adjourn until tomorrow morning at 10 o'clock.

The motion was lost by the following vote:

Yeas—12.

Cousins.  
DeBerry.  
Holbrook.  
Martin.  
Miller.  
Parr.

Patton.  
Russek.  
Stevenson.  
Westbrook.  
Wirtz.  
Woodul.

Nays—16.

Beck.  
Berkeley.  
Gainer.  
Greer.  
Hardin.  
Hornsby.  
Hyer.  
Love.

McFarlane.  
Moore.  
Neal.  
Parrish.  
Pollard.  
Small.  
Witt.  
Woodward.

**Absent.**

Cunningham. Williamson.  
Thomason.

**H. C. R. No. 8.**

The Chair laid before the Senate H. C. R. No. 8, Relating to medals for members of the Texas National Guard.

The resolution was read.

Senator McFarlane moved to lay the bill on the table subject to call. The motion prevailed by the following vote:

**Yeas—19.**

Berkeley.	McFarlane.
DeBerry.	Moore.
Gainer.	Parrish.
Greer.	Pollard.
Hardin.	Russek.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Witt.
Love.	Woodward.
Martin.	

**Nays—9.**

Beck.	Small.
Cousins.	Stevenson.
Miller.	Wirtz.
Neal.	Woodul.
Patton.	

**Absent.**

Cunningham. Thomason.  
Parr.

**Senate Bill No. 25.**

The Chair laid before the Senate as special order the following bill:

By Senator Hyer, et al:

S. B. No. 25, A bill to be entitled "An Act enlarging the powers and duties of the Railroad Commission of Texas with reference to conservation, transportation, storage, and purchase of petroleum and its products in this State; designating as public utilities the owners, operators and managers of oil storage tanks and storage facilities for the public hire; etc., and declaring an emergency."

Read second time.

**Senate Bill No. 15.**

Senator Woodward called up from the table the following bill:

By Senator Woodward:

S. B. No. 15. A bill to be entitled "An Act amending Chapter 12 of the Acts of the First Called Session of the Fortieth Legislature of the State of Texas of 1927, relating to the organization of the Fifty-first Judicial District of the State of Texas; reorganizing the same, naming the counties constituting the same and fixing the terms of court to be held in the several counties therein; amending Chapter 36 of the Acts of the Regular Session of the Thirty-ninth Legislature of the State of Texas, relating to the organization of the Thirty-fifth Judicial District of the State of Texas, etc."

The bill finally passed by the following vote:

**Yeas—26.**

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Pollard.
Gainer.	Russek.
Hardin.	Small.
Holbrook.	Stevenson.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
Moore.	Woodul.
Neal.	Woodward.

**Nays—4.**

DeBerry.	McFarlane.
Greer.	Miller.

**Absent.**

Thomason.

**Adjournment.**

Senator Wirtz moved to adjourn until tomorrow morning at 10 o'clock.

The motion prevailed by the following vote:

**Yeas—15.**

Beck.	Parr.
Cousins.	Patton.
DeBerry.	Russek.
Greer.	Stevenson.
Holbrook.	Westbrook.
Martin.	Wirtz.
Miller.	Woodul.
Neal.	

**Nays—13.**

Berkeley.	Gainer.
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Hardin.	Pollard.
Hyer.	Small.
Love.	Williamson.
McFarlane.	Witt.
Moore.	Woodward.
Parrish.	

**Absent.**

Cunningham.	Thomason.
Hornsby.	

At 5:47, the Senate adjourned.

**Appendix.****Petitions and Memorials.**

March 4, 1930.

Hon. Barry Miller, Lieutenant Governor, Senate Chamber, Austin, Texas.

Dear Sir:

After being present at the hearing on the sulphur tax before the State Affairs Committee of the Senate, it is the opinion of the Taxation Committee of the Texas Association of Real Estate Boards that they want to go on record as being in favor of the passage of the \$1.00 per ton tax on sulphur, together with the Mauritz amendment, which provides that after the first year seventy-five per cent of the proceeds from this tax shall go directly towards lowering the ad valorem tax, thus relieving some of the taxation burdens of the home-owners of the State of Texas.

I listened to the facts and figures presented to the Committee by the proponents of this bill, which were in no wise challenged or refuted by the representatives of the sulphur industry. In the light of these figures, as presented, it is clear that this great industry with its tremendous earning power can easily bear a tax of one dollar per ton without injustice.

Some relief must be had for the benefit of the home-owners of Texas. Every kind of a tax has been heaped upon this class of property without any protest from the owners, due wholly to a lack of organized effort toward the reduction of any taxes that might be levied or assessed, and it is time that some concerted movement be made to make the ownership of homes more desirable in the State of Texas.

The enactment of this measure by

your honorable body will, in our opinion, demonstrate that the Senators of Texas are in the van of the forward-looking movement to relieve the home-owners of Texas of a burden which has grown well nigh intolerable.

We ask you in the name of the home-owners and realtors of Texas, that you, in order that part of this taxation might be lifted from the home-owners in the State of Texas, vote in favor of the tax of \$1.00 per ton on sulphur, as hereinbefore mentioned.

Very truly yours,

JAMES D'ARCY,

Chairman Taxation Committee, Texas Association of Real Estate Boards.

**Committee on Engrossed Bills.**

Committee Room,

Austin, Texas, March 5, 1930.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 28, carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,

Austin, Texas, March 4, 1930.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 15, carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,

Austin, Texas, March 5, 1930.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 33, carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,

Austin, Texas, March 5, 1930.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 20, carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

**Committee on Enrolled Bills.**

Committee Room,  
Austin, Texas, March 4, 1930.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 5, carefully examined and compared, and find the same correctly enrolled, and have this day at 2:30 o'clock, p. m., presented the same to the Governor for his approval.

WITT, Chairman.

**Committee Reports.**

Committee Room,  
Austin, Texas, March 5, 1930.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. C. R. No. 5,

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass.

MILLER, Vice-Chairman.

Committee Room,  
Austin, Texas, March 5, 1930.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

S. B. No. 26, A bill to be entitled "An Act to provide a local option method of determining whether the county superintendent of schools shall be employed by the county board of trustees, providing for the payment of the salary of said county superintendent; providing for the term of office; repealing all laws in conflict herewith; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed in the Journal.

NEAL, Chairman.

By Love, Witt, Neal, S. B. No. 26.

**A BILL****To Be Entitled**

An Act to provide a local option method of determining whether the county superintendent of schools shall be employed by the county board of trustees, providing for the payment of the salary of said county superintendent; providing for the term of office;

repealing all laws in conflict herewith; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. At the election of county school trustees on the first Saturday in April 1931 in each county in the State in which the county board of trustees has not been authorized to employ a county superintendent of schools there shall be submitted to the qualified voters of the county for their determination the question as to whether or not the county school trustees shall be authorized thereafter to employ a county superintendent of public instruction, who shall possess the qualifications now prescribed for county superintendents. It shall be the duty of the county judge to give public notice of the submission of the proposition of the employment of the county superintendent, and provision shall be made for the submission of the proposition on the official ballot for school trustees. The question shall be submitted on the ballot in the following form: "For the employment of the county superintendent by the county board of trustees." "Against the employment of the county superintendent by the county board of trustees." The returns of the election on this question shall be made to the county clerk within five days after such election shall have been held, to be delivered by him to the commissioners' court at its first meeting thereafter, to be canvassed and the results declared as in the cases of other elections. Within five days after the results have been canvassed, the county clerk shall certify the results of the election to the county board of trustees, and if it be shown that a majority of the qualified voters of the county participating in said election favor the employment of the county superintendent, the county board of trustees shall, at the expiration of the current term of the county superintendent of public instruction, employ a county superintendent for the county and fix the amount of his annual salary in accordance with the limitations provided by general law. The salary designated by the county trustees shall be paid to the county superintendent in accordance with the general provision of the law relating to the salary of the county superintendent. In

the counties electing said officer, the county board may employ a county superintendent for a term not to exceed four years; provided that the first term of employment shall not extend beyond June 30 of the next odd-numbered calendar year and the term thereafter shall begin on the 1st day of July and end on the 30th day of June.

Sec. 2. In each odd-numbered calendar year subsequent to 1931 in any county not having provided for the employment of a county superintendent, the county judge, upon petition signed by not fewer than 25 per cent of the number of qualified voters of said county as shown by the number of votes cast at the last preceding general election shall submit the question of employment of the county superintendent to the qualified electors for county trustees in the manner prescribed in Section 1 of this Act.

Sec. 3. At the election of county in April of the fourth calendar year school trustees on the first Saturday after the employment of any county superintendent under the provisions of this Act, the county judge, upon petition signed by not fewer than 25 per cent of the number of qualified voters of said county as shown by the number of votes cast at the last preceding general election, shall submit the question of election or employment of the county superintendent to the qualified electors for county trustees in the same manner as prescribed in Section 1 of this Act.

Sec. 4. All laws and parts of laws in conflict herewith are hereby repealed.

Sec. 5. The importance of this Act and the nearness of the close of the session creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended, and the same is hereby suspended and this Act shall be in force and take effect from and after its passage, and it is so enacted.

Committee Room,  
Austin, Texas, March 5, 1930.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 31, A bill to be entitled "An Act to extend the term of office of elective county superintendents of public instruction to four years, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed in the Journal.

NEAL, Chairman.

By Neal.

S. B. No. 31.

#### A BILL

#### To Be Entitled

An Act to extend the term of office of elective county superintendents of public instruction to four years, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. In all counties in which the county superintendent of schools is chosen by popular election the term of office shall be four years.

Sec. 2. This Act shall take effect January 1, 1931.

Sec. 3. The importance of this legislation creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and the same is hereby suspended, and that this Act be in force and take effect from and after its passage, and it is so enacted.

Committee Room,  
Austin, Texas, March 5, 1930.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 45, A bill to be entitled "An Act providing for a maximum amount to be budgeted by the county board of school trustees for annual office and traveling expenses of the county superintendent of public instruction, repealing all laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass and be printed in the Journal.

NEAL, Chairman.

By Thomason.

S. B. No. 45.

## A BILL

## To Be Entitled

An Act providing for a maximum amount to be budgeted by the county board of school trustees for annual office and traveling expenses of the county superintendent of public instruction, repealing all laws in conflict herewith, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. In each county of this State, the board of trustees in August of each year shall make a budget for the necessary office and traveling expenses for the county superintendent and any assistants he may have for the ensuing scholastic year. Said budget shall in no case exceed a maximum of \$1,200 per annum; provided that no payment be paid for office and traveling expenses except on sworn statement of the account approved by the county board of trustees. The maximum herein provided shall not operate to reduce any maximum heretofore fixed for office and traveling expenses, either by general or special law.

Sec. 2. All laws and parts of laws, both general and special, in conflict herewith except as provided in Section 1 of this Act are hereby repealed.

Sec. 3. The importance of this legislation and the near approach of the end of the session creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and the same is hereby suspended, and that this Act be in force and take effect from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, March 5, 1930.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 2, A bill to be entitled "An Act relating to occupation tax on the production of sulphur, providing for an occupation tax of one (\$1.00) dollar per long ton of all sulphur produced within the State of Texas; providing for reports and records imposing forfeitures and

penalties for failure to keep records; providing penalties for failure to pay tax; directing the bringing of suit for the recovery of taxes, penalties and interest; providing for the appropriation and use of the revenues collected hereunder, and further providing that the taxes so derived, shall be considered in reducing the tax rate for public free school purposes as determined by the State Tax Board and the manner thereof; and enacting other provisions incident and necessary to the subject and purpose of this Act; and declaring legislative intent; repealing all laws or parts of laws in conflict with this Act; expressly repealing Article 7066, Revised Civil Statutes; and declaring an emergency.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with committee amendment and be printed in the Journal but not otherwise.

MILLER, Vice Chairman.

## Committee Amendment.

Strike out one dollar (\$1.00) per ton wherever it appears in the bill and caption and insert in lieu thereof fifty cents (\$.50).

By Mauritz, Sanders. H. B. No. 2

## A BILL

## To Be Entitled

An Act relating to occupation tax on the production of sulphur, providing for an occupation tax of one (\$1.00) dollar per long ton of all sulphur produced within the State of Texas; providing for reports and records imposing forfeitures and penalties for failure to keep records; providing penalties for failure to pay tax; directing the bringing of suit for the recovery of taxes, penalties and interest; providing for the appropriation and use of the revenues collected hereunder, and further providing that the taxes so derived, shall be considered in reducing the tax rate for public free school purposes as determined by the State Tax Board and the manner thereof; and enacting other provisions incident and necessary to the subject and purpose of this Act; and declaring legislative intent; repealing all laws or parts of laws in

conflict with this Act; expressly repealing Article 7066, Revised Civil Statutes; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Each person who owns, controls, manages, leases, or operates, any sulphur mine, or mines, wells or shafts, or who produces sulphur by any method, system, or manner within this State shall make quarterly on the first day of January, April, July, and October of each year a report to the Comptroller sworn to by such person before an officer authorized to administer oaths in this State, or if such person be other than an individual so sworn to by its president, secretary, or other duly authorized officer, on such forms as the Comptroller shall prescribe showing the total amount of sulphur produced within this State by said person during the quarter next preceding; and at the time of making said report shall pay to the Treasurer of this State as occupation tax for the quarter ending on said date an amount equal to one (\$1.00) dollar per long ton, or fraction thereof, of all sulphur produced by said person within the State of Texas during said quarter. Should any person subject to the occupation tax herein levied begin business after the beginning of a quarter, the amount of tax which such person or concern shall pay for the first quarter immediately succeeding the quarter in which the business was begun shall be ascertained by taking the total number of tons produced within the last quarter, dividing the same by the number of days such person or concern was engaged in the business during said preceding quarter and multiplying the quotient by ninety and multiplying the product by one dollar (\$1.00).

Each person subject to the payment of this tax shall cause to be made, kept, and preserved a full and complete record of all sulphur produced in this State by it, all of which record shall be open at all times to official inspection and examination by the Comptroller or the Attorney General, or any employee of or representative of the Comptroller or the Attorney General. Said records may

be destroyed after three years from the last entry appearing in any such record. Any person failing to keep such record, or records, as herein required, shall forfeit to the State of Texas as a penalty any sum not less than five hundred (\$500.00) dollars nor more than five thousand (\$5,000.00) dollars payable to the State of Texas, and each ten days of failure to keep such records shall constitute a separate offense and subject the offender to additional penalties for each such period of failure to keep such records. Any person subject to the payment of said tax on sulphur failing to pay the tax levied in this article within thirty (30) days after same is due and payable shall pay to the State as a penalty an additional amount equal to ten per cent of the taxes due, and such tax and penalty shall draw interest at the rate of six per cent per annum from the due date until paid. The Attorney General or any district or county attorney at the direction of the Attorney General shall bring suit in behalf of the State to recover the amount of taxes, penalties, and interest past due and payable by any person affected by this law. The word "person" as used in this law shall include persons, firms, partnerships, companies, corporations, associations, common law trusts, or other concern by whatever name or howsoever organized, formed or created.

The Comptroller may require such other information and such additional reports as he may deem advisable.

Sec. 2. (The one-fourth ( $\frac{1}{4}$ ) of the occupation tax hereby imposed and collected constitutionally allocated to the available public free school fund, shall be set aside to such purposes, with the remaining three-fourths ( $\frac{3}{4}$ ) of the said revenues to accrue to the credit of the general revenue fund of the State, until July 1, 1931, after which date the said three-fourths ( $\frac{3}{4}$ ) of the revenues derived from such tax shall be set aside to the available school fund to be used for public free school purposes in the payment of the per capita for all the children within the scholastic age.) It being expressly provided that the State Tax Board shall take into consideration in their determination of the rate to be col-

lected for public free school purposes as provided in Article 7043, Revised Civil Statutes, the amount of money paid into said available school fund under the provisions of this Act in the following manner, that said Tax Board shall determine the rate which will be sufficient to yield and produce for the fiscal year under consideration, the necessary per capita for all the children within the scholastic age as shown by the most recent official scholastic census, as provided in said Article 7043, Revised Statutes, and deduct from such rate so determined, such a percentage and rate as would be necessary to produce a sum of money equal to the amount paid into the Treasury under the provisions of this Act during the first half of the current calendar year and the latter half of the preceding calendar year, and the rate and percentage so found shall constitute the ad valorem rate to be levied and collected for public free school purposes.

Sec. 3. That the first report shall be made under this Act and the first tax due and payable on July 1, 1930, and any person producing sulphur prior to that date shall make the report and pay the tax required by this Act. That nothing in this Act shall prevent the collection and payment of taxes due on April 1, 1930, and such taxes shall be collected and paid as and at the rate now provided by Article 7066, Revised Civil Statutes of 1925.

Sec. 4. That all laws and parts of laws in conflict with this Act and particularly Article 7066, Revised Civil Statutes, are hereby expressly repealed.

Sec. 5. The provisions of this Act are severable and if any of the provisions hereof shall be held void the decision of the court shall not affect or impair any of the remaining provisions, and it is hereby declared as the Legislative intent that the provisions, sentences and phrases not declared to be illegal or void, would have been enacted and adopted without the inclusion of the provisions, sentences and phrases declared void and invalid.

Sec. 6. The fact that the present tax upon the production of sulphur is totally insufficient and inadequate; that appropriations for educational

purposes to be made by this Legislature require that additional revenue be raised by equitable taxation, and the rapid approach of the end of this session, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and said rule is hereby suspended, and that this Act shall take effect and be in force from and after its passage and it is so enacted.

Committee Room,

Austin, Texas, March 3, 1930.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 36, A bill to be entitled "An Act to amend Article 1747, of the Revised Civil Statutes of Texas, 1925, so as to permit persons unable to pay costs or give security therefor, to be entitled to prosecute their appeal in the appellate courts without requiring any bond, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed in the Journal.

SMALL, Vice-Chairman.

By McFarlane.

S. B. No. 36.

#### A BILL

#### To Be Entitled

An Act to amend Article 1747, of the Revised Civil Statutes of Texas, 1925, so as to permit persons unable to pay costs or give security therefor, to be entitled to prosecute their appeal in the appellate courts without requiring any bond, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Article 1747 of the Revised Civil Statutes of Texas, for 1925 shall be amended to hereinafter read as follows:

"Article 1747. Bond. When a writ of error is granted and the plaintiff in error has given no bond, the Supreme Court in granting the writ shall specify what bond shall be given; and the plaintiff in error shall file such bond in the trial court, to be approved by the clerk of said court, and a certified copy

thereof shall be at once sent to the Supreme Court. Upon the filing of said certified copy, the clerk of the Supreme Court shall issue the proper citation in error, provided however, that no bond may be required where the party appealing, has made an affidavit that he is unable to pay the costs of appeal, or give security therefor, as required under Article 2266 of the Revised Civil Statutes of Texas, for 1925.

Sec. 2. The fact that Article 1747 requires a bond to be given before the Supreme Court may consider the case, and the fact that many people are unable to pay costs or give security therefor, creates an emergency, and an imperative public necessity that the Constitutional rule requiring bills to be read on three several days, be and the same is hereby suspended and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, March 5, 1930.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Agricultural Affairs, to whom was referred

S. B. No. 42, A bill to be entitled "An Act amending Articles 5783 and 5742 of the Revised Civil Statutes of 1925, as amended by Senate Bill 84, Acts of the 4th Called Session of the 41st Legislature, filed in the office of the Secretary of State, February 17, 1930, relating to co-operative marketing associations, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and that it be printed in the Journal.

CUNNINGHAM, Chairman.

By Hyer.

S. B. No. 42.

#### A BILL To Be Entitled

An Act amending Articles 5728 and 5742 of the Revised Civil Statutes of 1925, as amended by Senate Bill 84, Acts of the 4th Called Session of the 41st Legislature, filed in the office of the Secretary of State, February 17, 1930, relating to co-operative marketing associations, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Article 5738 of the Revised Civil Statutes of 1925 as amended by Senate Bill 84, Acts of the 4th Called Session of the 41st Legislature, filed in the office of the Secretary of State, February 17, 1930, is hereby amended so as to read as follows:

Article 5738. Definitions.—(a) The term "Agricultural products" shall include horticultural, viticultural, forestry, dairy, livestock, poultry, bee and any farm and ranch products; (b) the term "member" shall include actual members of associations without capital stock and holders of common stock in associations organized with capital stock; (c) the term "association" means any corporation organized under this Act or any association organized under the co-operative marketing acts of any other state of the United States, provided such foreign association is composed of persons engaged in the production of agricultural products as farmers, planters, ranchmen, dairymen, nut or fruit growers, acting together in associations, corporate or otherwise, with or without capital stock, in collectively processing, preparing for market, handling, and marketing in interstate and foreign commerce, such products of persons, so engaged; provided further that such associations are operated for the mutual benefit of the members thereof, as such producers, and conform to one or both of the following requirements.

(1) That no member of the association is allowed more than one vote because of the amount of stock or membership capital he may own therein, or

(2) That the association does not pay dividends on stock or membership capital in excess of eight per cent per annum, and in any case to the following:

(3) That any association shall be permitted to deal in the products of non-members to an amount not greater in value than such as are handled by it for its members; and (d) the term "Person" shall include individuals, firms, partnerships, corporations and associations. Associations organized hereunder shall be deemed non-profit, in as much as they are organized not to make profits for themselves, as such, or for their members, as such, but only for their members as producers. This

Act shall be referred to as the "Co-operative Marketing Act."

Sec. 2. Article 5742 of the Revised Civil Statutes of 1925 as amended by Senate Bill 84, Acts of the 4th Called Session of the 41st Legislature, Filed in the office of the Secretary of State February 17, 1930, is hereby amended so as to read as follows:

Art. 5742. Powers.—Each Association incorporated under this Chapter shall have the following powers:

(a) To engage in any activity in connection with the marketing, selling, harvesting, preserving, drying, processing, canning, packing, storing, handling or utilization of any agricultural products produced or delivered to it by the members, or the manufacturing or marketing of the by-products thereof or in connection with the purchase, hiring or use by its members of supplies, machinery or equipment, or in the financing of any such activities; or in any one or more of the activities specified in this article.

(b) To borrow money and make advance to members.

(c) To act as the agent or representative of any member or members in any of the above mentioned activities.

(d) To purchase or otherwise acquire, and to hold, own and exercise all rights of ownership in, and to sell, transfer, or pledge shares of the capital stock or bonds of any corporation or association engaged in any related activity or in the handling or marketing of any of the products handled by the association.

(e) To establish reserves and to invest the funds thereof in bonds or such other property as may be provided in the by-laws.

(f) To buy, hold and exercise all privileges of ownership over such real or personal property as may be necessary or convenient for the conducting and operation of any of the business of the association or incidental thereto.

(g) To do each and everything necessary, suitable or proper for the accomplishment of any one of the purposes or the attainment of any one or more of the objects herein enumerated; or conducive to or expedient for the interest or benefit of the association; and to contract accordingly; and in addition to exercise and possess all powers, rights

and privileges necessary or incidental to the purposes for which the association is organized or to the activities in which it is engaged; and in addition, any other rights, powers and privileges granted by the laws of this State to ordinary corporations, except such as are inconsistent with the express provisions of this Act; and to do any such thing anywhere.

(h) To act as a stabilization corporation when recognized as such under the provisions of the Agricultural Marketing Act of the Congress of the United States approved June 15, 1929, and when so acting to have power to deal in the products of non-members without regard to the provisions of Article 5740 supra.

Sec. 3. The fact that there is now no adequate law in this State permitting co-operative marketing corporations to purchase, sell, deal in and handle the agricultural products of non-members as is now provided by the Capper-Volstead law enacted by the Federal Congress in 1922, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read upon three several days in each house be and the same is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

#### NINTH DAY.

Senate Chamber,  
Austin, Texas,  
March 6, 1930.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Martin.
Berkeley.	McFarlane.
Cousins.	Miller.
Cunningham.	Moore.
DeBerry.	Neal.
Gainer.	Parr.
Greer.	Parrish.
Hardin.	Patton.
Holbrook.	Pollard.
Hornsby.	Russek.
Hyer.	Small.
Love.	Stevenson.